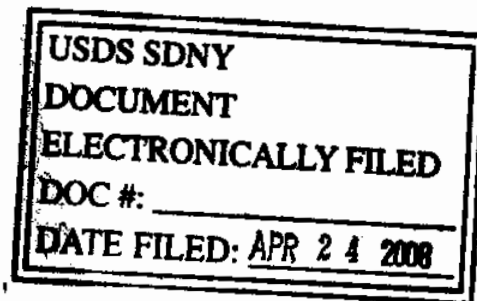




THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel



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April 24, 2008

Hon. Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street, Room 735
New York, NY 10007

Re: Johannes v. Mattingly, 08 Cv 2384 (PAC)

Dear Judge Crotty:

The City and State Defendants herein respectfully request that the briefing schedule for the Defendants' proposed motions to dismiss the complaint herein be modified by moving the operative dates back ten days. Currently, the time table provides that the motions are to be served and filed by April 29, 2008.

On April 15, 2008, Assistant Attorney General Amy Abramowitz received a telephone call from plaintiffs' counsel, Alfredo A. Johannes, in which Mr. Johannes stated he intended to voluntarily withdraw the complaint with respect to all defendants.

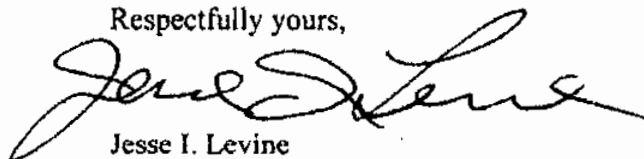
Based on that conversation, which was related to me by Ms. Abramowitz, we curtailed work on the motion papers. However, both Ms. Abramowitz and myself have not received confirmation from Mr. Johannes that the case was being discontinued. In fact, Mr. Johannes has not responded to a series of phone calls and emails from both Ms. Abramowitz and myself requesting that he contact us to state definitively whether or not the case was being discontinued.

Not having heard from Mr. Johannes, we assume that we will in fact have to file the motions. However, we have in effect shortened our preparation time in reliance on plaintiff's counsel's statement that the case was being discontinued. Accordingly, we request a modification of the briefing schedule, with our original moving papers to be served and filed by May 9, 2008, and the other dates adjusted accordingly.

MEMO ENDORSED


MEMO ENDORSED

Respectfully yours,



Jesse I. Levine

cc: Alfred a Johannes, Esq.
Amy Abramowitz, Esq.
James Bacher, Esq.

SO ORDERED: 4/24/08


HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE